

MINUTES
Regular Meeting
Carson City Planning Commission
Wednesday, February 27, 2019 ● 5:00 PM
Community Center Sierra Room
851 East William Street, Carson City, Nevada

Commission Members

Chair – Mark Sattler	Vice Chair – Charles Borders, Jr.
Commissioner – Alex Dawers	Commissioner – Paul Esswein
Commissioner – Teri Preston	Commissioner – Hope Tingle
Commissioner – Jay Wiggins	

Staff

Lee Plemel, Community Development Director
Hope Sullivan, Planning Manager
Ben Johnson, Deputy District Attorney
Steven Pott y, Engineering Project Manager
Mary Walker, Recording Secretary
Minutes by: Tamar Warren, Deputy Clerk

NOTE: A recording of these proceedings, the board’s agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record. These materials are on file in the Clerk-Recorder’s Office, and are available for review during regular business hours.

An audio recording of this meeting is available on www.Carson.org/minutes.

A. ROLL CALL, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE

(5:00:20) – Chairperson Sattler called the meeting to order at 5:00 p.m. Roll was called. A quorum was present. Commissioner Wiggins led the Pledge of Allegiance.

Attendee Name	Status	Arrived
Chairperson Mark Sattler	Present	
Vice Chair Charles Borders, Jr.	Present	
Commissioner Alex Dawers	Present	
Commissioner Paul Esswein	Present	
Commissioner Teri Preston	Present	
Commissioner Hope Tingle	Present	
Commissioner Jay Wiggins	Present	

B. PUBLIC COMMENTS

(5:01:30) – Chairperson Sattler entertained public comments; however, none were forthcoming.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES – JANUARY 15, 2019.

(5:01:50) – Chairperson Sattler entertained comments or changes and when none were forthcoming, a motion.

(5:01:54) – MOTION: I move to approve the minutes [of the January 15, 2019 meeting].

RESULT:	APPROVED (5-0-2)
MOVER:	Tingle
SECONDER:	Dawers
AYES:	Sattler, Dawers, Esswein, Preston, Tingle
NAYS:	None
ABSTENTIONS:	Borders, Wiggins
ABSENT:	None

D. MODIFICATION OF AGENDA

(5:02:35) – There were no modifications to the agenda.

(5:02:44) – Mr. Plemel gave a quick overview of the new recording equipment in the room and instructed the commissioners and the public on how to use the new microphones.

E. PUBLIC HEARING MATTERS

E.1 FOR DISCUSSION ONLY: A PRESENTATION BY DISTRICT ATTORNEY JASON WOODBURY AND CHIEF ASSISTANT DISTRICT ATTORNEY J. DAN YU REGARDING THE UPCOMING CARSON CITY MUNICIPAL CODE UPDATE, INCLUDING AN UPDATE OF TITLE 18 (ZONING) AND THE ASSOCIATED DEVELOPMENT STANDARDS.

(5:03:08) – Chairperson Sattler introduced the item. Carson City District Attorney Jason Woodbury gave background on the upcoming review and comprehensive revision of the Carson City Municipal Code, a collection of all the ordinances adopted by Carson City (and formerly Ormsby County). He noted that the current Code is functional; however, the update will address countering provisions and “fixes” to make them clear, understandable, and cross-referenced with Nevada Law. Mr. Woodbury gave examples on interpretation by government entities such as the Board of Supervisors to clarify how precise the language should be. He also stated that Assistant District Attorney Dan Yu, with his experience in the Nevada Legislative Counsel Bureau, will draft a manual on terminology and usage, to be completed by June 30, 2019, after which a comprehensive review of the existing code will take place and will be cross-referenced with the Nevada Revised Statute (NRS) with a planned completion date of the first or second quarters in 2020.

(5:18:44) – Mr. Woodbury explained that the Title 17 and Title 18 revisions would follow next and encouraged Staff to make their recommendations. He anticipated the completion of all the titles in the code within four years. Mr. Yu indicated that he was “happy to take this on” and noted that “the intent of the body that is enacting the ordinance or the statute” was important in legislative drafting. He also listed several challenges that he anticipated on encountering throughout the project. Mr. Woodbury planned to implement a title as a whole in order to show the entire chapter; however, he believed that each step should have its independent value and that the titles should be implemented as they are completed. Mr. Woodbury and Mr. Yu also responded to questions by the commissioners. Vice Chair Borders recommended working in conjunction with the Master Plan revisions.

E.2 SUP-18-166 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR A NEW 70 FOOT TALL WIRELESS COMMUNICATIONS FACILITY ON PROPERTY ZONED RETAIL COMMERCIAL (RC). THE SUBJECT PROPERTY IS LOCATED AT 3331 SOUTH CARSON STREET, APN 009-112-17.

(5:31:00) – Chairperson Sattler introduced the item. Ms. Ferris gave background on wireless towers and clarified that the Federal Telecommunications Act regulates wireless facilities and prohibits local governments from writing ordinances that impose unreasonable barriers to the siting of towers or antennas and the provision of wireless services. She also presented the Staff Report, incorporated into the record, which contained the conditions of approval, and recommended approval.

(5:40:32) – Applicant Representative Matthew Moore introduced himself as “an authorized agent of Verizon Wireless, the applicant”. Mr. Moore explained that the previously-approved project with an expired permit had been negotiated by another site-acquisition firm and “after six months to a year of contractual negotiations they couldn’t come to terms, and so they let the permit expire”. He explained that carriers find gaps in coverage or user traffic overload of existing facilities and request site acquisition firms to find location opportunities. Mr. Moore noted his acceptance of the conditions of approval (with the modification of condition 13). Chairperson Sattler stated that the both the water tower on Stewart Street and the current design did not affect as many homes as they would otherwise. Commissioner Tingle was informed that the coverage was needed “further to the south along Carson Street” and would offload some of the other towers. Vice Chair Borders was informed that “the minimum functional height was 66 feet”. Mr. Moore also clarified for Chairperson Sattler that “there would certainly be space below our antennas for co-location purposes” and Ms. Ferris confirmed that any height above what is approved in this meeting would require the Planning Commission’s approval. Commissioner Dawers was informed that any height exceeding the current height would require re-approval by the Commission. Chairperson Sattler entertained public comments and explained that all public concerns and comments will be addressed after all the comments are presented.

PUBLIC COMMENTS

(5:49:50) – Daniel Knox introduced himself as a Springview Drive resident and requested denial of the project because the tower would detract from his unobstructed view of the mountains which would impact his property values negatively, and suggested a pine tree-like structure which would blend with other pine trees nearby. He also requested that a generator not be located at the location, and believed the tower may reach 110 feet in height should there be incremental increases due to co-location, and was concerned about its health-effects. Should the project be approved, he requested that it be camouflaged as a pine tree design.

(5:53:51) – Michael Nevans introduced himself as a resident of Sandalwood Drive was also concerned about his property value and believed that even the pine tree look would be taller than most of the pine trees on Sandalwood Drive and opposed Staff’s assessment regarding health hazards as he wore a pacemaker. He proposed denying the project and finding another location such as a City park.

(5:57:18) – Gene Erskine introduced himself as an area property owner on Carson Street and wondered why the previously-approved location was not being used. He also believed that the tower would not contribute to the “beautification” of South Carson Street and called the existing tower near the National Guard Armory “an eyesore”.

(6:00:10) – Rebecca Jones introduced herself as a Bonnyview Drive resident with property adjacent to the proposed location of the tower. Ms. Jones noted her agreement with the previous speakers that the value of her property will be reduced and believed it would “detract from any ability to use my backyard” due to its proximity to the facility. She suggested using the “Fandango Property” as the home of the cell tower.

(6:02:45) – Ernie Walsh introduced himself as the property owner of 393 Sandalwood Drive and noted his opposition to the cell tower. He believed that the pine tree would look out of place as it would be tall and wished to see no generators being allowed due to the residential neighborhoods east of the proposed tower, should the project be allowed.

(6:04:58) – Chairperson Sattler alluded to the possibility of adding a condition to have no generators. He also acknowledged that those opposed to the project believed a tree was a better choice, adding that “there’s no way unfortunately it can guarantee a view for anyone”. He also addressed the health concerns of the speakers, noting that the facility must meet the FCC health requirements. Commissioner Dawers believed that “probably a generator wouldn’t go against what it’s currently zoned as” and Ms. Ferris explained that since this was a discretionary permit, the Commission could specify the provision of not having a generator. Commissioner Dawers also reminded the Commission that this was a business decision, and he wished to revisit the “deal that did not go through”. Chairperson Sattler explained that co-location equipment may be hung below the maximum height; however, any additional height must be approved by the Commission. Commissioner Preston expressed concern that not allowing a generator may eliminate the cell tower from being used by emergency services.

(6:10:29) – Mr. Moore noted that the site would have two battery packs which “kick in” when experiencing a power outage and that they could last from 12 to 24 hours. He also noted that the generators would be used in emergency situations at which time noise standards are set aside. In response to a question by Chairperson Sattler, Mr. Moore explained that he would have to run the concept of no generators by Verizon to see if they would continue with the project. He added that although the height for this zone was 45 feet, the code for wireless facilities allowed a functional height of 220 feet. Commissioner Esswein received confirmation that the pine tree requirement would allow co-locations as part of the branches versus the water towers which would have visible external equipment. Commissioner Wiggins suggested not allowing generators on site unless they were brought on during an emergency and Commissioner Esswein believed that was appropriate. Mr. Moore clarified that the current revised plan did not require having a generator. Chairperson Sattler believed that Staff should approve the bark and branch samples for the tree and Mr. Knox cautioned that the approvals must be done in a timely manner “before the shot clock expires”. Chair Sattler entertained a motion.

(6:19:08) – Ms. Sullivan summarized the proposed changes to the conditions of approval:

- Condition seven should be modified to state: *“The plans submitted for the building permit shall incorporate the use of a pine tree, the bark samples, and branching [samples] shall be submitted to the Planning Staff in advance of submittal of a building permit for approval of the specifications.”*
- Condition 13 as modified (from the content of the staff report) and presented by Ms. Ferris to read: *The applicant shall reasonably allow for co-location of at least one other provider’s antennas on the structure by limiting the cost to the providers to a fair and equitable share of the ground lease design, capital costs for construction, and reasonable maintenance consistent with industry standards.*
- A new condition will be added to state: *“The generator should not be maintained on the lease site except during emergencies.”*
- Condition 14 should be amended to state: *“The maximum overall height of the tower is limited to 77 feet.”*

(6:20:35) – Chairperson Sattler entertained a motion.

(6:20:40) – MOTION: I move to approve SUP-18-166, based on the findings and subject to the conditions of approval contained in the staff report including the four modifications [listed above] by Staff.

RESULT:	APPROVED (5-0-2)
MOVER:	Borders
SECONDER:	Preston
AYES:	Sattler, Borders, Esswein, Preston, Wiggins
NAYS:	Dawers, Tingle
ABSTENTIONS:	None
ABSENT:	None

(6:21:27) – Commissioner Dawers explained that he voted against the motion because he believed that the tower would negatively impact the surrounding property values.

(6:22:10) – Mr. Plemel noted that this was the final decision on the Special Use Permit unless appealed to the Board of Supervisors within 10 days (from this meeting date) by contacting the Planning Division Office.

E.3 SUP-19-003 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT TO CONSTRUCT A DETACHED GARAGE THAT RESULTS IN ACCESSORY STRUCTURES THAT EXCEED 75% OF THE SIZE OF THE PRIMARY STRUCTURE AND 5% OF THE LOT AREA. THE SUBJECT PROPERTY IS LOCATED AT 1777 RACE TRACK ROAD, APN 010-66-211.

(6:23:16) – Chairperson Sattler introduced the item. Ms. Sullivan presented the Staff Report with accompanying maps and subject property photographs and referenced a letter of support by a neighboring property owner. She also recommended approval based on the ability to make the findings in the affirmative acknowledged the presence of applicants Jeff Frame, Dan Warden, and Holly Hawkins. Mr. Pott y responded to questions regarding the floodplain and clarified for Chairperson Sattler that the applicant would not be required to obtain flood insurance for placing the structure on the property.

(6:27:29) – Applicant Jeff Frame, architect, introduced himself, and clarified that the applicant would like to use the structure to store an RV and custom cars, adding that the existing garage is detached from the main building. Mr. Frame also acknowledged his acceptance of the conditions of approval contained in the Staff Report. There were no public comments.

(6:28:35) – MOTION: I move to approve SUP-19-003 a request for a Special Use Permit for accessory buildings to exceed 75 percent of the size of the primary residence and 5 percent of the lot area on property zoned Mobile Home 1 Acre, located at 1777 Race Track Road, APN 010-662-11 based on findings and subject to conditions of approval contained in the staff report."

RESULT:	APPROVED (7-0-0)
MOVER:	Dawers
SECONDER:	Tingle
AYES:	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

E.4 SUP-19-006 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW FOR ADVERTISING SIGNAGE IN EXCESS OF WHAT IS ALLOWED BY CARSON CITY MUNICIPAL CODE, IN CONJUNCTION WITH A TWO (2) UNIT MODEL HOME COMPLEX IN THE EXISTING CAPITAL VILLAGE SUBDIVISION. THE CAPITAL VILLAGE SUBDIVISION IS LOCATED AT THE NORTHWEST CORNER OF FAIRVIEW DRIVE AND S. SALIMAN ROAD, APN'S 009-813-01; 009-815-01; 009-813-22; 009-803-01; 009-804-01; 009-816-01; 009-832-29; 009-831-12; 009-831-22; 009-831-23; 009-832-42.

(6:30:05) – Chairperson Sattler introduced the item. Ms. Ferris presented the Staff Report which is incorporated into the record and recommended approval based on the ability to make all seven findings and with the conditions of approval which are outlined in the Staff Report. She also noted that a representative of the applicant was present in the audience, and responded to clarifying questions by the commissioners. Mr. Plemel clarified for Vice Chair Borders that an amendment by the Commission had removed signs from exempt signs

(6:34:28) – Mike Sabo of Florsheim homes introduced himself and noted his acceptance of the conditions of approval in the Staff Report. Vice Chair Borders was informed that the Special Use Permit was for 18 months or until the last house is sold. Ms. Sullivan explained that the 18-month life of the Special Use Permit was an important condition for Staff and if additional time was required, the applicant could request a revision to the Special Use Permit at 75 percent of the fee. There were no public comments.

(6:37:31) – MOTION: I move to approve SUP-19-006, based on the findings and subject to the conditions of approval contained in the staff report.

RESULT:	APPROVED (7-0-0)
MOVER:	Borders
SECONDER:	Dawers
AYES:	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

(6:37:03) – Chairperson Sattler recessed the meeting.

(6:42:23) – Chairperson Sattler reconvened the meeting. A quorum was still present.

E.5 FOR DISCUSSION ONLY: A PRESENTATION BY THE PUBLIC WORKS DIVISION REGARDING A WATER USE ANALYSIS CONDUCTED TO PROJECT WATER USE AND DELIVERY NEEDS FOR THE MASTER PLAN CITY BUILDOUT SCENARIO.

(6:42:30) – Chairperson Sattler introduced the item. Mr. Plemel referenced the Staff Report, incorporated into the record, and believed this was a long-awaited item relating to the Planning Commission. City Engineer Dan Stucky introduced himself and Eddie Quaglieri, Carson City Water Manager. He also delivered, along with Mr. Quaglieri, a water analysis and projection PowerPoint presentation, incorporated into the record, and responded to clarifying questions by the commissioners.

(7:26:10) – Commissioner Preston inquired about “effluent recharge” and Chairperson Sattler explained that the reduction in effluent water recently had resulted in golf courses using fresh water. Mr. Quaglieri noted that a new wastewater manager had been hired by the City and he would be updating the Master Plan regarding the “reclaim system”. Mr. Stucky informed Commissioner Tingle that the Carson Water Subconservancy District had not been directly involved with the study; however, they received updates from Public Works at least once per year. Mr. Quaglieri explained to Commissioner Esswein that surface water rights could not be forfeited to the State; however, ground water was subject to forfeiture statutes. There were no public comments.

F. STAFF REPORTS (NON-ACTION ITEMS)

F.1 DIRECTOR'S REPORT TO THE COMMISSION

(7:33:14) – Mr. Plemel reported on several Board of Supervisors approvals including a the Lompa East Tentative Planned Unit Development, the Hot Springs Road Zoning Amendment (first and second readings), and the abandonment in front of the Bank Saloon. He also noted that the Master Plan Annual Report was accepted by the Board of Supervisors, including the upcoming Title 18 review.

FUTURE AGENDA ITEMS

(7:34:20) – Mr. Plemel expected to have an abandonment related to a Special Use Permit project for a 143 unit apartment complex, a Special Use Permit for a dog boarding facility on South Carson Street, and a Special Use Permit to continue a billboard agendized for the March meeting. He also relayed a request from Carson High School for Senior Project reviewers.

COMMISSIONER REPORTS/COMMENTS

(7:35:15) – Chairperson Sattler welcomed Commissioner Esswein back to the Planning Commission. Vice Chair Borders inquired about the Title 18 update approval process and Mr. Plemel explained that the plan was to receive public input prior to the final recommendations. Commissioner Esswein recommended Planning Commission workshops. Mr. Plemel suggested having a list of concerns or ideas forwarded to Staff.

G. PUBLIC COMMENT

(7:39:09) – There were no public comments.

H. FOR POSSIBLE ACTION: FOR ADJOURNMENT

(7:39:17) – MOTION: Commissioner Esswein moved to adjourn. Chairperson Sattler adjourned the meeting at 7:40 p.m.

The Minutes of the February 27, 2019 Carson City Planning Commission meeting are so approved this 27th day of March, 2019.

MARK SATTLER, Chair